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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**11 FLETCHER HARTWELL HYLER and  
12 SHERYL ROOT HYLER,13 Plaintiffs,  
14 vs.  
15 INVESTMENT GRADE LOANS, INC., et.al.,  
16 Defendants.17 **Case No.: 07-CV-03180 WHA****EX PARTE APPLICATION FOR  
TEMPORARY RESTRAINING ORDER**18  
19 Plaintiffs Fletcher Hartwell Hyler and Sheryl Root Hyler (hereinafter "Plaintiffs"),  
20 by the undersigned attorney, hereby apply to this Court for a temporary restraining order,  
21 pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, restraining and enjoining  
22 defendants Investment Grade Loans, Inc., *et al.*, (hereinafter "Defendants"), their agents,  
23 employees, successors, attorneys and all persons in active concert and participation with  
24 Defendants, from commencing, continuing, maintaining or conducting any action, including,  
25 but not limited to, a Trustee's Sale or other foreclosure proceeding or other proceeding of  
26 any kind, and an order to show cause why a preliminary injunction should not be granted  
27 enjoining said Defendants and their agents, employees, successors, attorneys and all persons  
28 in active concert and participation with said Defendants from commencing, continuing,  
maintaining or conducting any action, including, but not limited to, a Trustee's Sale or other

foreclosure proceeding or other proceeding of any kind, during the pendency of this action. This application is made on the grounds that the commission, continuance or conducting of a Trustee's Sale or other foreclosure action during the litigation would produce immediate and irreparable loss, damage or injury to Plaintiffs, that the foreclosure threatened by said Defendants would be in violation of the rights of Plaintiffs herein and would render any judgment in this action ineffectual, and on the further ground that immediate and irreparable loss, damage or injury will result to Plaintiffs before the matter can be heard on notice.

This application is based upon the Declaration of Fletcher Hartwell Hyler, the Declaration of Daniel J. Mulligan and the Memorandum of Points and Authorities filed herewith.

Date: July 15, 2007.

JENKINS MULLIGAN & GABRIEL LLP

By /s/ DANIEL J. MULLIGAN

## Attorneys for Plaintiffs